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REVIEW OF
EDUCATIONAL LEGISLATION
1923-1924

By

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[Advance Sheets from the Biennial Survey of Education
in the United States, 1922-1924]



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REVIEW OF EDUCATIONAL LEGISLATION, 1923 AND 1924

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INTRODUCTION

Within the two-year period covered by this review all States held sessions of their legislative assemblies; and in Massachusetts, Rhode Island, New York, New Jersey, South Carolina, and Georgia, whose legislatures meet annually, there were two sessions. In all there were passed approximately 1,400 educational measures, exclusive of acts of local application and ordinary appropriation bills. This shows an interest in public education which should be gratifying, but in some previous biennial periods there was considerably more school legislation. In the biennium 1919–20, for example, there were passed more than 1,600 educational acts of general application within the respective States where passed.

During a period of one or two years after the close of the World War school legislation flourished. Out of the war had come a new interest in physical education and school hygiene, Americanization, the removal of illiteracy; in short, improvement of the school system all along the line; and this new interest found expression in a large body of constructive school legislation. But by 1921, an odd year in which 42 legislatures were in session, a different temper of the popular mind was making itself felt in State legislatures. From this it soon became plain that in many of the States few, if any, forward steps could be expected in school legislation; in fact, there was positive fear in some quarters that the schools might suffer distinct loss, particularly in the matter of financial support. In most of the States the development of new movements during this period is therefore wanting; and, moreover, new or especially significant phases of older movements and practices are not much in evidence.

This downward turn of the curve of school legislation may meet the approval of a considerable group of people, for there are considerable numbers who seem to believe that there is already too much law. The proposition that there is already too much law on the statute books is worth brief examination in relation to school laws. It is one which carries some truth, but also a measure of error. In the sense that the laws contain too many prohibitions and restrictions, there is considerable truth in the proposition; but law does not merely prohibit or restrict; it promotes, conserves, guarantees, and protects. In these positive and constructive aspects of the law, there can hardly be an excess. Again, in the sense that statutes are often prolix, and characterized by duplication or needless repetition, it may be said that there is too much law; but these qualities relate to the style in which the statute is written rather than to the nature of the law itself. Still a third sense in which we possibly have too much law is that in some State codes or compiled statutes obsolete and useless provisions are left; the "dead wood" has not been cut away; but here again the fault is of the nature of a fault in style, or perhaps the code commission or other agency designated to codify the statutes has not been given sufficient authority to eliminate obsolete and useless provisions.

As regards school law, therefore, it can not be admitted that there is too much. So long as the public school systems of States remain below standard, as many of them still are, there will be need for more and better means of improvement; and additional or better laws will be necessary to provide more school funds, increase the school term, provide a properly trained teacher for every school-room, and insure the attendance of every child at a school suited to his capacity. Until these things are accomplished, the theory that there is too much school law will be untenable.

NEW SCHOOL CODES

One of the most important educational acts that a State legislature may pass is a complete codification of all its public-school laws, written as a single bill and passed as an act establishing it as the code of schools laws of the State. Generally speaking, the enactment of a new school code should have one or both of two purposes:

1. To secure proper arrangement of the law and the elimination of inconsistencies, duplication, and the like.
2. To embody in the new law such organic and substantive changes as may at the time be desirable.

Wherever it is proposed to adopt a new school code, both of these purposes will suggest themselves. In some cases it will be found advisable to try to accomplish both, and in others, only the first mentioned. To include much organic or substantive change in a pro-

posed school code will endanger its acceptance by the legislature. In such a case it is advisable to make of the proposed code only a recodification of existing laws. If nothing more than proper arrangement and coordination can be accomplished at one time, the trial is worth the effort in a number of States whose school laws have not been codified in recent years.

Since 1900, 22 States have either adopted complete recodifications of their respective bodies of school law or amended their laws so generally as to reach "school code" proportions. The first State in the list was New Jersey. The legislature of that State in 1903 passed "An act to establish a thorough and efficient system of free public schools, and to provide for their maintenance, support, and management thereof." Other important enactments of codes within this 24-year period were those of New York, Pennsylvania, Illinois, Delaware, West Virginia, Alabama, Texas, Oklahoma, Montana, and Washington.

In the period under review three States adopted new school codes or bodies of school law comparable with complete codes. These were North Carolina and New Mexico in 1923 and Mississippi in 1924.

The new code of North Carolina is divided into 14 "parts," comprising 40 "articles," and is a complete recodification of the State's school laws, except that the laws defining the powers and duties of the State board of education and the superintendent of public instruction, which were not by it amended or revised, were not included in the new code. The codification therefore begins with certain "interpretations" and the county board of education, and thence proceeds through the rest of the school system. This law exemplifies both of the purposes referred to above—that is, it at once rearranges the body of school law and embodies important substantive changes. County school organization is not materially changed; county boards of education are still chosen by the State legislature, and the county superintendent is appointed by the county board. The more important substantive changes were the revision of the system of county school budgets, the provision for a "county-wide plan" for the consolidation of schools, the creation of "special taxing districts" designed to facilitate consolidation, and the amendment generally of the local tax laws. The county remains the unit of local school administration, but cities and "special charter districts" retain their former independence.

The new school code of New Mexico, like that of North Carolina, at once a rearrangement and a revision of several organic or substantive provisions. It is marked by brevity, and in consequence omits some matters which other States include in their school codes. One of its more noteworthy provisions are the abolishment of the

county board of education and the substitution of the board of county commissioners, the provision for the appointment (after January 1, 1925) of the county superintendent of schools by the commissioners acting as a county board of education, and the establishment of an elaborate system of school budgeting.

Mississippi's school code, adopted in 1924, is of the kind which is designed primarily as a rearrangement and proper codification of the existing body of school law. It contains few organic changes. Prior to 1924 the pamphlet of school laws published by this State was a mere collection of chapters of legislation passed at different times and of provisions relating to education as they appeared in the general code. The legislature of 1924 arranged this miscellaneous collection in a single act, with major divisions as chapters and minor divisions as sections, numbered consecutively, and in this rearranged body of law there emerged a creditable "school code," particularly as regards form.

EDUCATIONAL SURVEYS

The educational survey has been much discussed and widely used in all sections of the country. In some cases there have been marked benefits to the schools of the State, city, or other unit surveyed; in other cases no very noticeable benefits have immediately resulted. From the standpoint of the reviewer of legislation only the State-wide survey is of much interest, since this is the kind of study that usually recommends legislation and often results in the passage of new laws.

Four States provided by law in 1923 for State educational surveys, and one made similar provision in 1924.

Illinois was one of the States of the first group. By act of June 28, 1923, the Illinois Legislature created a survey commission to be composed of the governor, two members of the senate, two members of the house of representatives, and two citizens appointed by the governor. This commission was authorized to investigate the entire educational system of the State, including school costs, the training of teachers, and the higher institutions, and was directed to report to the legislature of 1925. An appropriation of \$15,000 was made.

A concurrent resolution of the North Dakota Legislature of 1923 authorized the governor to appoint a commission of five members to be known as the "School finance and administration commission," which was directed "to make as thorough and comprehensive a study, investigation, and analysis of the whole problem of school finance, school taxation, and school administration as possible." This survey was proposed in the interest of economy in the conduct of the schools.

and the commission was directed to report not later than September 1, 1924. The concurrent resolution carried no appropriation.

The Texas educational survey, a third one provided for in 1923, was likewise to be an investigation of the entire public-school system. The act provided for the appointment of a commission and for the employment by the commission of a survey director and staff of assistants to conduct the survey. The commission was directed to make its report on or before December 1, 1924. An appropriation of \$50,000 was made to defray the expenses incurred.

A West Virginia act, approved May 1, 1923, created a "public school commission" of seven members to be appointed by the governor. The commission was "to study and investigate the laws and conditions in this State relating to the public-school system and report the results of its investigations, together with its recommendations, to the next session of the legislature." The act itself carried no appropriation, but in the appropriation bill the sum of \$15,000 was allowed for the expenses of the survey.

The act of 1924 which provided for a survey was that of Mississippi. It is entitled "An act providing for an educational survey of the State schools and colleges of the State of Mississippi." A limit of \$10,000 was placed on the cost of the survey, and it was provided that the expense "be paid out of the regular 1924-25 appropriations to the university and colleges on a percentage basis, each institution paying in proportion to its appropriation."

STATE DEPARTMENTS OF EDUCATION

Two phases of State school administration have been much in public print in recent years, and a large body of legislation or proposed legislation has related to them. These are (1) the composition and organization of the State board of education and (2) the method of choosing the chief State school officer.

The brief statement below shows the principal facts relative to the composition of State boards.

Number of general State boards of education	41
Boards composed wholly of ex officio members	9
Boards having no ex officio members	8
Boards with mixed ex officio and appointive or elective members	24
Boards (in preceding item) in which ex officio members predominate	4
Boards in which appointive or elective members predominate over ex officio	20
Average number of members (41 boards)	7
Average number of members, exclusive of ex officio boards	8
Average term of members, in years	6
Boards in whole or in part appointed by governor	27
Boards appointed by legislature	2
Elected by popular vote	1
Otherwise chosen (not ex officio)	2

From the practice in the several States as indicated by this statement, a reasonably well-defined standard appears. The average State board of education is composed of seven or eight members, a majority of whom are appointed and a minority of whom attain membership by virtue of holding other offices; the board is in whole or in part appointed by the governor; and terms are for 6 years and overlap.

It will be seen that the practice in the States is approaching the standard generally accepted by authorities on school administration. However, there is still too much ex officio membership, and the method of selection has the disapproval of what is probably a considerable group of persons who believe that the State board of education, being a legislative body, should be chosen by the people. With respect to ex officio membership, it may be said that this kind of board tends to be displaced by one composed of non ex officio members chosen for their ability, integrity, and interest in education. The highest class of men in the State can be induced to accept a place on the State board of education if men of like class are placed on the board with them and if they see a real duty to do or function to perform. Ex officio membership is therefore unnecessary; and, moreover, members of this kind rarely function properly. The attorney general, secretary of state, or other State officer is concerned with other affairs, his interests are elsewhere, and usually he neglects his educational connection.

As regards the best method of selecting the State board of education, it must be said that the prevailing practice at present is appointment of the members, or a majority of them, by the governor of the State. Possibly there will be a growth of sentiment in favor of popular election when the board's functions as a legislative body are better understood, but for the present, at least, the appointive board prevails decisively.

Present practice in the States with respect to the manner of choosing the chief State school officer deserves some notice here. This officer is elected by popular vote in 32 States; he is appointed by the governor in 6 States and by the State board of education in 8 States. It will be observed that these three groups total only 46. In Idaho and Wyoming there is both a superintendent of public instruction and a State commissioner of education. In each of these cases the superintendent is elected by popular vote and the commissioner is appointed by the State board.

The prevailing practice is election by popular vote. The prevailing opinion among authorities on the subject is that the office should be an appointive one. A difference, therefore, exists between theory and practice. Some States have displaced popular election with

appointment, but the number is not large. In several States where efforts have been made to pass from the elective to the appointive plan the legislatures or the people themselves have rejected the innovation, and popular election continues. Perhaps the people have not yet been educated to appreciate properly coordinated school administrative machinery. It is conceivable that they do not understand the legislative nature of the board and the executive nature of the superintendent, who should be a professional expert. A second probability is that the people are very loath to give up the election of an officer closely connected with the administration of their schools. Possibly it is the State board of education that should be elected. In city school administration the board is in most cases elected and in turn appoints the superintendent, and the tendency is toward the same in county administration. Properly organized State administration does not differ very much in kind.

In the period 1923-24 the body of legislation relating to State departments of education was not very large. Two States, Oklahoma and Kentucky, provided for larger and better organized State education offices. An Oklahoma act of 1923 created in the department of education the following positions: Assistant superintendent, chief clerk, rural school supervisor, agricultural assistant, chief high-school inspector, two assistant high-school inspectors, secretary of the State board of education, and several stenographers' positions and clerkships.

A noteworthy act of constructive legislation was that of the Kentucky legislature of 1924. This act recognizes the State department of education as a department and provides that it shall include "at least the following divisions": (1) Office of superintendent, to include an assistant superintendent and clerical force, (2) statistics, (3) inspection and accounting, (4) certification and examination, (5) rural school supervision, (6) high-school supervision, (7) negro education, (8) vocational education, and (9) additional departments as the superintendent may determine and funds permit. A bill, which in the legislature was a companion bill, proposed to displace the present ex officio State board of education with an appointive board of larger membership, but this failed to become a law.

A type of legislation which has appeared in several States in recent years is the "administrative code." This is a legislative act which reorganizes the executive and administrative branch of the State government by abolishing various departments, boards, commissions, and offices, establishing State "departments" in their place, and completely codifying the administrative law of the State. In such a code the department of education is made coordinate with

others, as, for example, the department of agriculture, banking, or health. Two States in 1923 passed acts of the nature of administrative codes. These were Pennsylvania and Tennessee. Usually the department of education has not been very materially affected by this type of law, but has been merely set in the administrative code in substantially the same form in which it appears in the school law.

Within the period here under consideration, important acts affecting the State board of education were passed in Alabama and Wisconsin. Alabama's board was by act of 1923 increased from 8 to 12 in membership. The governor and State superintendent are retained as ex officio members, and the rest of the members are to be appointed by the governor, one from each congressional district, of which there are 10. Alabama makes other educational use of its congressional districts, as, for example, for the maintenance of district secondary agricultural schools and for the appointment of members of the administrative boards of its higher institutions; so the change made in its State board of education need not be considered radical.

A Wisconsin act of 1923 abolished the State board of education of that State. A certain duality of control and responsibility in the school system of Wisconsin had existed for several years, and this probably entered as a consideration in the repeal here noted. Prior to the passage of the repealing act of 1923 there were a general State board of education and a board created especially for vocational education, and, moreover, there were both a superintendent of public schools and a secretary of the State board of education. The repeal abolished the general educational board and dispensed with its secretary.

With respect to State superintendents, only a few acts of secondary importance were passed in the period reviewed here. Maine and Tennessee changed the titles of their respective school executives to "commissioner of education"; and Illinois and Alabama raised the salaries of their superintendents, the former to \$7,500 and the latter to \$6,000. No State changed the method of choosing its chief State school officer.

COUNTY SCHOOL ORGANIZATION

With respect to the "county unit" of administration, it would appear that in discussions of this subject the approach to it has sometimes been unhappily chosen. By this it is meant that possibly too much interest has been focused on the "unit" and the county administrative machinery. If the whole field of county participation in the provision of public schools were thoroughly

studied, without special emphasis on the "unit" or like single phase, the result should prove informing. Some of the facts relative to this subject are as follows:

Number of States having county school administrative boards	21
Number having county superintendents of schools	39
Number providing for assistant county superintendents or other supervisory assistants	30
Number providing for county school taxes	27
Number in which the county has functions in school-fund apportionment	36
Number authorizing counties to maintain high schools	25
Number authorizing counties to maintain public libraries	29

Here is evidence that the county is already an important factor in the public-school system. And why should it not be? In the affairs of civil government, the county is used for various purposes. Elections are held and returns made, courts are convened, taxes are levied and collected, records are preserved, public buildings are provided, roads and bridges are constructed, the poor are cared for, the public health is safeguarded, by means of the county as a unit for such purposes. And notwithstanding aspersions on the county from some quarters, it is performing its civil functions about as well as other governmental units. The point therefore is that it can be used intelligently for school purposes. There would seem little reason why it can not be used as successfully for running schools as, for example, for holding courts or administering health laws.

It appears that some would make the county unit of administration too hard and fast; it has sometimes been urged that the county be made as effectually a school district as the city now is. But this would mean the submergence of the local community district. County school organization should be more flexible than city, so that a measure of local autonomy and local participation may be left to the community.

Within the past two years several legislative acts relating to county school systems were passed. On the administrative side, the county board of education was the subject of legislation in seven States.

An Alabama act made some changes of an organic nature in the law of that State. The county board of education, which was formerly elected from the county at large, is, under the terms of this act, to be hereafter elected from board of revenue districts, one from each such district in the country. Considerations which probably led to this change were a desire to prevent the election of too large a proportion of the board from one part of the county and a disposition to make the plan for the school board conform to that for the choice of county commissioners or members of the board of revenue. An Oregon law of 1923 is similar to the Alabama act.

The Oregon law requires that in a county operating as a county unit the county school district must be divided into five divisions, and that one of the five county school directors must reside in each of these divisions.

The State of Texas, which already had county boards of education for high-school purposes, made a beginning in 1923 with the plan of county-unit control of all public schools. The Texas act permits certain counties to submit to a vote of the people the question whether the county unit of control will be adopted. The act applies to any county having a population of 100,000 or more and therefore affects only the five most populous counties of the State.

A Montana act of 1923 was of the nature of amendment of an earlier local option county unit law of that State. It sought to make the older law more workable. It provides against subdistrict trustees making expenditures in excess of their budgets, authorizes a 1-mill county tax to create a building fund, and defines more clearly the duties of subdistrict trustees as well as those of the county board.

Three other acts of 1923 affected county school administration. One in Tennessee extended the provisions of that State's county unit law to all counties; there having been some counties to which the older law did not apply. The new school code of New Mexico abolished county boards of education and transferred their powers and duties to existing county boards of commissioners, which are to be ex officio county boards of education. The third act of this group was that of North Carolina. That State's county school boards were not changed in composition or organization by the new school code, but the board's functions in relation to the county school budget were materially affected. This budget is now prepared by joint action of the county board of education and the county commissioners, and in case of disagreement appeal may be taken to the superior court.

THE COUNTY SUPERINTENDENT

The county superintendent of schools represents the supervisory and executive side of the county school system. No very important legislation in this field was passed in either 1923 or 1924. However, provisions were made for higher salaries for superintendents in several States. Among these were Colorado, Illinois, Iowa, and Mississippi.

The tendency to raise the qualifications required of county superintendents was noticeable in a few States. Among these were Alabama and New Mexico in 1923 and Kentucky and Mississippi in 1924.

One State in 1923 passed from popular election of the county superintendent to appointment of this important officer by the county

board of education. This was New Mexico. Unquestionably the idea of placing in this office only properly qualified and professionally-trained persons is a growing one, and the kindred idea that the county superintendent should bear relation to a county board similar to the relation between city superintendents and their city boards is likewise growing, but State legislatures come slowly to abandon the idea that the county superintendency is an old-time county office, such, for example, as the office of county treasurer.

LOCAL SCHOOL UNITS—CONSOLIDATION

Within the two-year period 1923-24 no organic change was made in any State's system of local school administration. By this it is meant that no State changed from the district system to the township or from district or township to county-unit organization; nor was any change made contrariwise. The most noteworthy legislation respecting local units smaller than the county was the body of legislation relating to the consolidated school.

There would seem to be three or four reasonably well-defined tendencies with respect to the consolidated central school. These are toward the provision of more generous State subvention of this kind of rural school, the adoption of the "county-wide plan" for consolidating districts, the enlargement of the area of the consolidated unit, and better regulation of the conveyance of pupils to school. Several legislatures of 1923 passed acts relating to one or another of these phases of consolidated district organization. Since this kind of school district is treated elsewhere in the Biennial Survey of Education, extended treatment is not included here.

PUBLIC-SCHOOL SUPPORT

There has within the past two years been no marked change in tendencies with respect to public-school support. A few States as such have shown inclination to increase their contributions to the schools, county taxes have remained about as formerly, and the tendency to permit the local district to levy higher rates has appeared in the enactments of a few States.

Some examples of increased State participation in school support within the two-year period were the enactments of Pennsylvania, Illinois, and Oklahoma in 1923 and that of Massachusetts in 1924. The Pennsylvania act was of the nature of an amendment to a teachers' minimum salary law of 1921, which contained a provision for part payment by the State of the minimum salaries required to be paid. Additional aid is provided in the act of 1923 for districts of unusually low assessed valuation, and State subvention of pupil transportation is extended.

An Illinois act of 1923 made some increase in that State's contribution to the schools, but it is perhaps of more interest by reason of the change which it made in the system of distribution of State school funds. Prior to 1924-25, the school year in which this act was put into effect, Illinois distributed its State funds on the school census basis, but this is now displaced by some four bases of distribution. These bases are (1) the "teacher-school day," which is a daily session of not less than 4 hours of class-time work conducted by a full-time elementary teacher with not fewer than five pupils of school age; (2) the teacher basis, account being taken of the amount of training the teacher has received; (3) aggregate days' attendance of pupils; and (4) again the teacher basis, where the teacher is a normal-school graduate who teaches 9 school months in a one-room elementary school district. On the first of these, a flat sum of 70 cents each is allowed, and an additional sum ranging from 50 cents to \$2 per "teacher-school-day" is allowed districts of relatively low assessed valuation in inverse ratio to the valuation. Apportionment is made on the first-mentioned teacher basis as follows: For 18 weeks of normal training, 50 cents per week; 36 weeks of normal training, \$1 per week; graduate of two-year course in State normal school, \$2.50 per week. On the third basis, $1\frac{1}{2}$ cents is apportioned for each day a pupil attends school. Fourth basis, \$100 for each teacher of the class specified and employed as specified.

Chapter 288 of the Oklahoma laws of 1923 proposed an amendment to the constitution of that State. It provided for a State tax levy on an ad valorem basis sufficient to raise a fund equal to at least \$15 per annum for each pupil in attendance as shown by average attendance reports. From this fund \$15 per unit of average attendance was to be apportioned. The proposed amendment was ratified by the people, but was by the State supreme court later declared invalid on the ground of improper submission to the electorate. The same or a similar amendment will be offered in the legislature of 1925.

The Massachusetts act of 1924 amends an earlier law under which State aid is granted to towns of relatively low assessed valuation in inverse ratio to the valuation. The act of 1924 raises from \$2,500,000 to \$3,000,000 the property assessment which a town may have and come within the class entitled to State aid for its public schools.

It was said in an earlier paragraph that county taxes have remained during the past two years about as they formerly were. There is one exception to this general statement: Utah in 1923 changed its system of county school taxation. In that State tax levies in county school districts of the first class, which are whole

counties in most cases, are now limited as follows: In a district with assessed valuation of \$2,000 to \$2,500 per child of school age, 12 mills; in a district with valuation of \$2,500 to \$3,000 per child, 10 mills; \$3,000 to \$4,000 per child, 8½ mills; \$4,000 to \$5,000 per child, 7½ mills; more than \$5,000 per child, 7 mills; but these limitations can not in any case operate to reduce a levy below that of 1922. This would seem a more rational basis of limiting tax levies than limiting them in a stated flat rate, as, for example, where a flat rate of 10 mills is made the maximum limit for all counties or districts without regard to assessed valuation.

With respect to district-school taxes, little discussion need be introduced here. Several years ago there was a marked tendency to increase rates of district levies both by local action and, where legislation was necessary to permit higher rates, by action of State legislatures. But in more recent years there has not been so much legislation on the subject. Within the period here under review, Ohio, Utah, Nevada, and one or two other States passed laws of some importance in the field of local-school taxation.

Before the subject of school support is passed, two or three phases of it which have in recent years received more than ordinary notice both in educational circles and in State legislatures may be adverted to here. One of these is the proportion of the burden of public-school support which the State as such is carrying—that is, the proportion which the State as distinguished from the smaller units, county and school district, has assumed.

The results of changes in school support in recent years are shown in the report entitled "Statistics of State School Systems," published by the Bureau of Education. The statement is a percentage analysis of school funds received from taxation and appropriations, and shows for the country as a whole the percentages received, respectively, from State, county, and local school district.

Percentages of school funds received

Year	From State	From county	From smaller local unit
1918	14.8	8.0	77.2
1920	15.0	11.6	73.4
1922	16.0	10.5	73.5

It is, of course, not contended that these figures are conclusive, but there is certainly evidence here that the State has not lost ground as a contributor to school support, but has made some slight gain. Such evidence should be gratifying to those who hold the view that the State should be relatively a larger contributor than it is.

Another phase of the problem of school support which has received more than ordinary attention in recent years is seen in various efforts and proposals to provide school revenues from sources other than the usual property tax. That "new sources of revenue" must be found is the belief of various authorities on the subject. It is urged by many that every person having taxable ability should pay some kind of tax to his State, and that some system of taxation should be adopted to reach every form of taxable ability with justice to all. That is to say, that not merely a property tax should be levied, but, for example, also income, inheritance, corporation, franchise, "severance" or production, and possibly luxury and sales taxes. There is doubtless a measure of reason in this view, for such is the complexity of our modern economic system that forms of taxation supplementary to the general property tax would seem imperative. It is hardly fair that a farm or other real estate, easily reached for the purpose of a property tax, should pay its full quota of a levy, while other kinds of taxable ability, as, for example, various forms of "intangibles," escape with little or no toll taken from them.

But it is from the standpoint of school revenues that we are concerned here. With supplementary or multiple tax systems as a theory or a mere economic principle we are not particularly concerned. The argument for sources of revenue other than the general property tax is here based on the needs of the schools. The property tax for school purposes can hardly be said to have broken down, but some hold that it has become antiquated; in some sections it certainly appears unequal to the burden of properly supporting the schools without income from other sources. There are some States in which twice as much money as is now expended could be expended on the schools without just charge of extravagance. At present the schools of those States are poor in quality, terms are too short, and many communities are still without high-school privileges. But already complaint of high taxes is heard. In some cases at least, these complaints are justifiable, for high taxes on infertile or thin farm lands may become practically confiscatory. Therefore other sources of school revenues must be found, and this is essentially a problem for the school men of the country.

THE SCHOOL TERM

The problem of the short school term is usually a problem either of school revenues or of child labor on the farm. By this it is meant that the short term is usually due either to want of sufficient funds to maintain the schools for a longer period in the year or to parental disposition to put the children to work instead of keeping

them in school. It is to correct the first-mentioned condition that school revenue laws are passed and systems of school support improved from time to time by State legislatures. It is to the last-mentioned condition that legislatures give attention when they pass minimum term laws. Some notice will be given here to legislation aimed directly at the short school term.

A Kansas act of 1923 (ch. 181) relates specifically to the school term. It requires that schools be maintained not less than eight months within each school year. Under the provisions of this act any school district which is unable, with a 10-mill levy on its taxable property, to maintain its school as required receives aid from the State and county in an amount equal to the difference between its total income and the sum necessary to maintain the eight-months term. Of this aid the State pays three-fourths, and the county one-fourth.

A Minnesota act of 1923 amended section 2796 of the general statutes of that State by increasing from five to seven the number of months of school which districts must maintain. In a companion act the distribution to a school district of the school endowment fund of the State is made contingent upon the maintenance of a school for seven months.

The new school code of North Carolina provides for a six-months term of schools in counties and places upon the county the responsibility and expense of maintaining the schools not less than six months, but a State "equalizing fund" is provided by appropriation for the purpose of aiding counties of relatively low assessed valuation.

The practice of requiring local school units to maintain school for not less than a specified term is almost universal in the States, and the tendency is constantly to make this required term longer. But the standard nine months' term is a consummation to be attained in the future in most of the States.

TEACHERS

Phases of teaching service usually seen in school legislation have been noticeable in the legislation of the past two years, but in less extent than in some former periods. These phases are what are thought of here as the general welfare of the teacher, teacher training and the means of giving it, and the qualifications required.

Legislation affecting the general welfare of teachers includes enactments relating to salaries, tenure, and pensions. The peak of legislation relating to teachers' salaries was reached several years ago; hence the number of laws passed on the subject within the

period here considered is not large. The Legislature of Colorado amended an act of 1921 which was of the nature of a minimum-salary law and which was designed to insure a minimum pay of \$75 per month for each teacher. The amendment of 1923 regulated the distribution on the teacher basis of the county tax levied for the purpose. It provided that no school should receive county funds for salary payment for a longer term than $9\frac{1}{2}$ months, and that the local district must levy at least 3 mills on the dollar of its assessed valuation. A New York act of 1923 added to an earlier law the provision that the annual increment to the salary of a teacher in the kindergarten or the first eight grades shall be not less than \$75 a year in any city of less than 50,000 population, or in any union free-school district employing a superintendent or maintaining an academic or high-school department. An Ohio act, also passed in 1923, authorized the establishment of pay-roll accounts in depositories in city school districts so that teachers may be paid in cash.

With respect to the tenure of teachers there was no outstanding legislation in either 1923 or 1924. However, New Jersey amended in a minor particular its older law on the subject. The amendment requires teachers holding positions to give boards of education 60 days' notice of an intention to resign. Eleven States now have laws designed to give public-school teachers more security in their positions after a reasonable period of probationary service.

Pension legislation has within the past two years received more of the attention of legislators than either salaries or tenure. However, few acts were passed which established pension systems where they had not previously existed. Laws putting new retirement plans into operation were passed in Maine, where a new system to be maintained jointly by teachers' assessments and State contribution and to provide annuities in accordance with McClintock's tables will in the course of time displace the provisions of an older law; in Alabama, where the county boards of education of the three largest counties of the State—Jefferson, Montgomery, and Mobile—were authorized to create and maintain retirement funds; and in Washington State, where a contributory system applicable to all school districts not having their own local retirement funds was provided. The application of retirement plans was made broader and extended to other classes of teachers, usually those in certain State institutions or other State service, in California, Indiana, Nevada, Pennsylvania, and Rhode Island. The Michigan teachers' retirement system was reorganized, and in New York provision was made for the discontinuance of local district pensions in favor of participation in the State retirement fund. On the whole, the older tendency

to make retirement plans more liberal with respect to the teacher and to organize them on a sound actuarial basis has continued through the period comprehended in this study.

THE TRAINING OF TEACHERS

New Jersey in 1923 provided for the establishment of a new State normal school at Paterson and for the support and management of the same. In Alabama, a normal school at Daphne which had previously been rated a nonstandard school was by legislative act put on the basis of a "Class A normal school," of which there are now five in the State. A Maryland act of 1924 provided \$205,000 for buildings and equipment for the new normal school previously located at Salisbury on the "Eastern Shore" of that State. A Georgia act of the same year provided for the introduction of teacher training in one of the State agricultural schools maintained in congressional districts.

Teachers' colleges, by change of name, displaced State normal schools in several States, and generally a four-year course of study was authorized in addition to the usual two-year course. In Colorado under an act of 1923 the normal school at Gunnison was designated "The Western State College of Colorado." All State normal schools of Texas were changed to teachers' colleges in 1923, and in the same year Utah made its normal school a department of the university, to be known as the "State school of education."

The support of teacher-training institutions continues reasonably liberal in spite of efforts in some quarters to cut down State appropriations. A phase of the subject which by this time would seem to deserve more than passing notice is seen in the scholarships now provided in several States. In 1923 two States made provisions of this kind. The Delaware Legislature authorized the State board of education to create at the University of Delaware not to exceed 60 scholarships of the value of \$200 each and to be awarded on "satisfactory assurance" that the holder will teach in the elementary schools for two years after graduation. The Utah Legislature created at the State School of Education 100 scholarships of the value of \$25 each. The Utah scholarships exempt holders from the payment of a registration fee.

TEACHERS' QUALIFICATIONS

This is a subject of constant legislation. The tendency is continually to raise the qualifications required of teachers, or at least to eliminate certificates of the lower grades. At present the standard which the States, by legislation and otherwise, are working toward is high-school graduation plus two years of normal training.

for every teacher in the elementary schools. But as yet this standard has been attained in but few States. Within the two-year period considered in this review about one-third of the States passed laws relating to the qualifications required of teachers. These acts varied from unimportant amendments in some cases to complete revision of the State's law on the subject in others.

Two important aspects of certification have been noticeable in the legislation of recent years. One of these is a tendency to vest in the State department of education all authority in the granting of certificates and by the same measure to take this authority away from county superintendents, except as they may serve as agents of the State department. The other aspect is that seen in laws which conceive all certificates as divided into two general classes—namely, standard and nonstandard or "provisional." In this classification the standard may, for example, represent graduation from a high school and two years of normal training in addition, while the non-standard certificate may represent all grades below the standard, as first, second, and third grades. In such a plan it is usually provided that the holder of the highest grade of nonstandard certificate may "build" to a standard. An Indiana act of 1923 exemplifies the first of the aspects or tendencies above mentioned, and a Kentucky act of 1924 exemplifies the second.

SCHOOL ATTENDANCE

The present status of compulsory school attendance in this country may be shown in outline by means of a brief statement of facts from attendance requirements of State laws. The statement follows:

Number of States fixing 7 years as the age when attendance must begin	28
Number fixing 8 years for such age	20
Number fixing 14 years as the age to which attendance must continue	7
Number fixing 15 years for such upper age limit	3
Number fixing 16 years for such age	38
Number requiring attendance for full school term	36
Number requiring attendance for less than full term	12

Within the past two years Connecticut, Delaware, Florida, Kansas, Minnesota, Rhode Island, South Dakota, Texas, and Wyoming passed acts relating to school attendance. All of these were amendments of earlier laws. The Connecticut act adds to that State's law the provision that a child over 14 years of age whose physical or mental condition is such that his attendance at school would be impracticable can not be compelled to attend even though his schooling is deficient. The Delaware act gives justices of the peace jurisdiction in cases of violation of the attendance requirements; in some States this matter of jurisdiction is one of the weak points in attendance laws. The Florida act authorizes the employment of

county superintendents of schools as attendance officers. Minnesota and South Dakota provided for excusing children from school for a brief period each week for the purpose of receiving religious instruction. A Rhode Island act more clearly defined delinquent children and provided for dealing with them. Wyoming extended the age limits prescribed in its laws and now requires attendance for the full school term between the ages of 7 and 16, unless the work of the eighth grade is completed. Kansas and Texas amended their attendance laws generally. In the former, children between 7 and 16 years old are now required to attend school for the entire term; in the latter, those between 8 and 14 must attend at least 100 days each year.

From this brief survey of the attendance legislation of the past two years, it will be seen that the tendency is toward the standard indicated in the preceding paragraph. Without doubt the conception is now reasonably well fixed in the American mind that children should be required to go to school, or, to put it in a more American way, should be guaranteed the opportunity of going to school, at least until the work of the elementary grades is done.

PHYSICAL EDUCATION AND SCHOOL HEALTH

This general subject falls into three parts, namely, child health provisions of a general nature, physical examination or medical inspection, and physical training.

A Rhode Island act of 1923 concerns more than one phase of school health. It provides for State subvention of medical inspection and school health work. Under its terms any town or city providing for the inspection of pupils by physicians or for nurse visitation is entitled to receive from the State one-half of its annual expenditure for the purpose, if the work has the approval of the State board of education, but not more than \$250 is allowed to any town or city. School boards are authorized to employ school physicians and visiting nurses; and pupils, teachers, and janitors must be examined at least once a year. An act of the Washington Legislature of 1923 authorized any school district of the first class to furnish milk to public-school pupils under 14 years of age. A Wisconsin act of the same year provided for instruction in the public schools in the symptoms of disease and the proper care of the body. An Oregon act authorized the board of education of any city having a school enrollment of 25,000 or more to provide for dental inspection and for dental clinics and treatment of public-school pupils. Legislation of 1924 included a Massachusetts act, authorizing towns and cities to establish health camps, within or without the town or city limits, for underweight and undernourished children; a New York act, authorizing the State commissioner

of education to appoint a specialist for eyes and ears; another New York act, authorizing the county supervisors of any county to establish a school hygiene district and permitting union free school districts and city districts of less than 50,000 inhabitants to become part of any such county school hygiene district; and a Kentucky act, authorizing the establishment of playgrounds and recreation centers.

Some legislation relating to the physical examination of school pupils has already been noticed under Rhode Island and Oregon. Other States which passed laws on this subject within the period considered here were Connecticut, Nebraska, and South Carolina. The Connecticut act provides that the State board of education furnish test cards and blanks for testing the eyesight of school children and requires that superintendents, principals, or teachers in towns not employing school physicians shall make the tests annually instead of triennially as formerly. Under the Nebraska act no child can be compelled to submit to physical examination by other than the teacher if the parent's written objection to the examination has been delivered to the child's teacher, but this provision can not operate as an exemption from the quarantine laws of the State. The South Carolina act requires that physical examination of pupils be made within the first three months of attendance each year.

There has been directed at medical inspection laws some criticism which deserves a measure of notice. One criticism has been in substance that medical inspection merely discovers the physical defect and does little or nothing about it after it is discovered, that it is a sort of Hygeian procedure which includes diagnosis without the application of a remedy. A few years ago there was more justice in this criticism of the inspection law than there is at the present time, for there is now more "follow up" of the examination or inspection than there formerly was. With the widespread and growing practice of employing school nurses, the development of closer relations between the school and the home, and the possible growth generally of a better appreciation of sound bodies, there has undoubtedly been effected a closer relation between the physical examination of the pupil on the one hand and constructive effort on the other to remedy any defect that may have been discovered.

With respect to physical education laws, there has been some very noteworthy legislation within the past two years. The Legislatures of Iowa, Minnesota, Wisconsin, Tennessee, and South Carolina passed new laws on the subject. The Iowa law provides that there must be established in all public elementary and secondary schools "physical education, including effective health supervision and health instruction of both sexes," and requires that every pupil physically able shall take the prescribed course, but no child is compelled to

take the training if his parent or guardian files a written statement that it conflicts with his or her religious belief. The State superintendent of public instruction is authorized to prepare a manual for teachers, and teacher-training institutions must provide courses in physical education. The new Minnesota act requires physical education in public schools and teacher-training institutions and provides for a State director. The Tennessee act likewise requires physical education in public schools and training institutions, but makes no provision for a State director or supervisor of the subject. The Wisconsin act is not unlike that of Minnesota—that is, it requires physical education courses both in the public schools and in normal schools and provides for a State supervisor. All of the acts above mentioned were passed in 1923. South Carolina passed its law in 1924. This law contains substantially the same provisions as that of Iowa, except that it has no clause exempting a child on the ground of parental objection. Ohio had a physical education law prior to 1923, but in that year it revised its law generally.

To the reviewer of school legislation, physical education laws lack a certain definiteness which would seem necessary to make them most effective. It appears that promoters in this branch of education, or others interested, have as yet failed to work out a well-defined program which has been widely accepted; hence legislation on the subject is wanting in definite aims or objectives. However, as the laws provide for State directors and State supervision, better State programs will be evolved, the States will learn one from another, and more definite nation-wide objectives will doubtless come to the fore.

PHYSICALLY AND MENTALLY HANDICAPPED CHILDREN

This is a heading meant to include such unfortunate children as the crippled, the deaf, and the mentally backward. Laws with respect to these several groups are of very much the same character and may be considered together. In recent years there would seem to be a new interest in this field, or perhaps it should be called a tendency to change the program with respect to the physically and mentally handicapped. The older "institutional" plan of handling these groups of children is, where practicable, giving way to the "special class" plan maintained by local administrative units. A number of the States now specifically authorize local school boards to establish and maintain schools or classes for the deaf, the crippled, or the mentally retarded, and in several cases State funds are granted in aid of these special schools or classes.

Only a brief enumeration of laws can be given here. With respect to special classes for the deaf, Massachusetts in 1923 authorized its State department of education to cooperate with the school committees of not more than six towns in the establishment of classes for

deaf pupils. A Michigan act authorized the board of education of any school district to provide special classes for the deaf and also for the blind. A Minnesota law now empowers the State commissioner of education to grant permission to school districts to establish and maintain special classes for deaf children where five or more such children may attend, and a State subvention of \$250 per child is allowed.

The Legislatures of Illinois and Michigan passed acts in 1923 authorizing local school boards to establish and maintain classes for crippled children, and in each case the State grants funds in aid of these classes. A New Jersey act of 1923 authorizes counties to participate in the maintenance of homes and hospitals for crippled children. An Oregon act of the same year directs school districts to create "crippled children's instruction funds," to be used in employing visiting teachers for the crippled. A New York act of 1924 provides a "teacher's quota"—that is, a sum from the State treasury, apportioned on the teacher basis—for each teacher of a special class for physically defective children, including the deaf, the blind, and the crippled. A Kentucky act of 1924 provides for special classes for children with defective eyesight.

Two States in 1923 made special provisions for mentally backward children. A New York act authorized the State commissioner of education to apportion for each teacher of a special class for children of retarded mental development one-half of the salary paid, but not to exceed \$1,000 per teacher. An Oregon act applies to cities of 10,000 inhabitants or more. It provides for the establishment of a department of research and guidance in any city of this group and for the maintenance of special classes for "educationally exceptional children," by which is meant both those who are able to advance more rapidly than the average child and those who may be retarded.

CONCLUSION

But for space limitation, some treatment of various other subjects could be introduced here. Legislative enactments with respect to high schools, vocational education, institutions of higher learning, the regulation of schoolhouse construction, and possibly some other subjects not treated in this review present phases of interest, but the field of school legislation is an extensive one, and not all legislative acts can be noted in a brief review of this kind. Discussion of several of the subjects omitted from this chapter will be found in other chapters of the Biennial Survey of Education.

